

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,

Plaintiff,

- against -

ALL FUNDS ON DEPOSIT IN BANC ONE
ACCOUNT NUMBERS KYBOP1137729 AND
USJCO116681 IN THE NAME OF FIRST
EQUITY ENTERPRISES, INC., AND ALL
RELATED FUNDS AND PROCEEDS, INCLUDING
ALL FUNDS AND PROCEEDS TRACEABLE
THERE TO, et al.,

Defendants.

- - - - - X

WHEREAS, on or about October 5, 2001, the United States
commenced this in rem forfeiture action by filing a verified
complaint in rem, as amended on October 15, 2001 and December 7,
2001, against the following assets:

All funds on deposit in Banc One account numbers
KYBOP1137729 and USJCO116681 in the name of First
Equity Enterprises, Inc., and all related funds and
proceeds, including all funds and proceeds traceable
thereto (the "Banc One Funds");

All funds on deposit in Banc One account numbers
KYBOP1135086 and USJCO1160023 in the name of Evergreen
International Trading, Inc., and/or Evergreen
International Spot Trading, Inc., and all related funds
and proceeds (the "Additional Banc One Accounts");

Zurich Insurance Company bond number CGB8514-471 held
by or on behalf of Evergreen International Spot
Trading, Inc. (the "Zurich Insurance Co. Funds");

All funds held on behalf of Evergreen International
Spot Trading and/or any related entities by Lexington

**DECREE OF FORFEITURE
AND ORDER OF DELIVERY**

Civil Action
No. 01-CV-6630

(Amon, J.)
(Levy, M.J.)

Building Company, L.P., and/or ABSA Bank, Ltd., and any other commercial landlords (the "Security Deposit Funds");

All funds on deposit in Rosenthal Collins Group, LLC Account Number 70017 in the name of Evergreen International Trading Company, and all related funds and proceeds, including all funds and proceeds traceable thereto (the "Rosenthal Collins Funds");

All proceeds of any and all claims made under Insurance Policy 35394554 EZB issued by Great Northern Insurance Company, a member of the Chubb Group of Insurance Companies (the "Chubb Group Funds");

All funds on deposit in Bridge View Bank account # 309-1478-3 in the name of Polina Siortina, and all related funds and proceeds, including all funds and proceeds traceable thereto (the "Bridge View Bank Funds");

All funds on deposit in the Bank of New Zealand account number 019204859 in the name of First Equity Enterprises, Inc., and all related funds and proceeds, including all funds and proceeds traceable thereto (the "Bank of New Zealand Accounts"); and

All funds on deposit in the National Australian Bank account number 48-014-6534 in the name of First Equity Enterprises, Inc., and all related funds and proceeds, including all proceeds traceable thereto (the "National Australian Bank Accounts"),

(collectively, the "Defendant Assets"), alleging that the Defendant Assets were subject to forfeiture pursuant to 18 U.S.C. §§ 981 and 984 as property involved in transactions or attempted transactions in violation of the federal money laundering laws, 18 U.S.C. §§ 1956-57, property traceable to such property, and/or property derived from proceeds traceable to an offense constituting specified unlawful activity as defined in 18 U.S.C. § 1956(c)(7), to wit, wire fraud; and

WHEREAS, on or about November 13, 2001, and December 7, 2001, this Court issued warrants and amended warrants for arrest of articles in rem, authorizing the United States to seize the Defendant Assets pending further order of this Court; and

WHEREAS, the United States Marshals Service executed service and seized the Defendant Assets; and

WHEREAS, beginning shortly after the filing of the various complaint and amended complaints, individuals, both corporate and personal, began filing claims against the Defendant Assets (hereinafter, the "Civil Claimants"); and

WHEREAS, notice of the government's intent to forfeit the above-described Defendant Assets was served on the Civil Claimants and/or Claimants' counsel; and

WHEREAS, in addition to sending notice to all known potential claimants, the United States Attorney's Office for the Eastern District of New York established a website devoted solely to information directed at the known and potential claimants, providing periodic status reports and other necessary information; and

WHEREAS, on September 15, September 19, and September 26, 2006, notice of the government's intent to forfeit the Defendant Assets was published in THE NEW YORK POST, a newspaper of general circulation in this district; and

WHEREAS, subsequent to the filing of the verified and amended verified complaints in rem, the government determined not to pursue forfeiture against (i) the Additional Banc One Accounts, (ii) Bank of New Zealand Accounts, and (iii) the National Australian Bank Accounts; and

WHEREAS, on July 11, 2007, the Government sent letters, with a copy of the proposed Final Order of Forfeiture, to all of the Civil Claimants via Federal Express Overseas and/or Domestic Delivery, namely: Bradley Meagher Nominees, P/L; Shepherd Systems, P/L; Christos Tzaras; Nehman Superannuation Party, Ltd.; Kneebone & Beretta Superannuation; Enrico Beretta; and Gregory Kevin Edmond Smith. On July 17, 2007, the same letter and proposed Order were sent, again via Federal Express Overseas Delivery, to Murray David Holderhead. The letters advised that the Government intended to file the proposed Decree of Forfeiture and Order of Delivery, and requested the claimants to contact the United States Attorney's Office for the Eastern District of New York, AUSA Kathleen A. Nandan, with any comments. The letters provided AUSA Nandan's mailing address, telephone number and email address; and

WHEREAS, the Civil Claimants in this case have agreed to withdrawal or otherwise not to proceed with their claims against the Defendant Assets, but rather have filed restitution petitions against the pool of assets associated with this case

and its two companion cases, United States v. Evergreen International Spot Trading, Inc., et al., criminal no. 01-CR-1243 (Amon, J.), and United States v. All Funds on Deposit in Deutsche Bank, et al., civil number 02-CV-1038 (Amon, J.) (collectively, the "Evergreen cases"); and

WHEREAS, to date, in excess of one thousand victims, including the Civil Claimants, have submitted verifiable claims against assets, including but not limited to the Defendant Assets, marshaled in the Evergreen cases (hereinafter, the "list of victims in CR-01-1243").

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The warrant and amended warrants for arrest of articles in rem are vacated insofar as they relate to the (a) the Additional Banc One Accounts; (b) the National Australian Bank Accounts; and (c) the Bank of New Zealand Accounts.

2. Other than the list of victims in CR-01-1243 identified herein, all persons or entities known or thought to have an interest in or claim to the Defendant Assets, having been given due notice of these proceedings, and none of those persons or entities, other than the Civil Claimants, having interposed a statement or interest, an answer, or other response of any kind to the verified complaint and amended verified complaints in rem, the default of all other persons having an interest in the

Defendant Assets hereby is noted.

3. Pursuant to 18 U.S.C. §§ 981 and 984, the following specific Defendant Assets, to wit:

- (a) the Banc One Funds;
- (b) the Zurich Insurance Co. Funds;
- (c) The Security Deposit Funds;
- (d) the Rosenthal Collins Funds;
- (e) the Chubb Group Funds; and
- (f) the Bridge View Bank Funds,

plus all interest accrued, if any (hereinafter, the "Forfeited Assets"), are hereby forfeited and condemned to the use and benefit of the United States of America.

4. The United States Marshals Service is directed to pay its costs incurred incident to this proceeding, and then dispose of the remainder of the Forfeited Assets in accordance with law.

5. The Clerk of the Court shall forward eight (8) certified copies of this Decree and Order to the United States Attorney for the Eastern District of New York, Attention: Assistant United States Attorney Kathleen A. Nandan, 271 Cadman Plaza East, 7th Floor, Brooklyn, New York 11201.

6. The Court shall retain jurisdiction over this action to oversee compliance with the terms of this Decree and Order.

Dated: Brooklyn, New York
October 23, 2007

s/Hon. Carol B. Amon

HONORABLE CAROL B. AMON
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK